

PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

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§ 282.86 Oklahoma State-Administered Program.

(a) The State of Oklahoma is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Oklahoma Corporation Commission, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the Oklahoma program on August 12, 1992 and it was effective on October 14, 1992.

(b) Oklahoma has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Oklahoma must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Oklahoma obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) Oklahoma has final approval for the following elements submitted to EPA in Oklahoma's program application for final approval and approved by EPA on August 12, 1991. Copies may be obtained from the Underground Storage Tank Program, Oklahoma Corporation Commission, Jim Thorpe Building, Room 238, Oklahoma City, OK 73105.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Oklahoma Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Oklahoma Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes and regulations are part of the approved state program, although not

incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include:

(1) *Oklahoma Statutes, Chapter 14: Oklahoma Underground Storage Tank Regulation Act*

§ 306 Corporation Commission—Powers and Duties

§ 310 Inspections and Investigations—Violations—Notice—Failure To Take Corrective Action—Notice and Hearing—Orders—Service of Instruments—Notice to Real Property Owner and Opportunity for Hearing

§ 312 Enforcement of Actions and Remedies—Action for Equitable Relief—Jurisdiction—Relief

(B) The regulatory provisions include:

(1) *Oklahoma Annotated Code, Chapter 25: Underground Storage Tanks, Subchapter 9: Inspections, Testing, and Monitoring*

Part 1: Inspections

Part 5: Penalties

Part 7: Field Citations

Part 9: Shutdown of Operations

(2) *Oklahoma Annotated Code, Chapter 27: Petroleum Storage Tank Release Indemnity Program, Subchapter 9: Administrative Provisions*

§ 165:27-9-1 Hearing, Orders, and Appeals

§ 165:27-9-2 Changes to Rules

§ 165:27-9-3 Notices

§ 165:27-9-4 Severability

(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) *Oklahoma Statutes, Chapter 14: Oklahoma Underground Storage Tank Regulation Act*

§ 308 Permits—Necessity—Application—Issuance—Fees—Denial, Refusal to Issue, Suspension or Revocation—Financial Responsibility Coverage (Insofar as (B) applies to individuals other than UST system owners and operators.)

§ 318 Program for Certification of Underground Storage Tank Professionals—Meeting Training and Other Requirements for Federal Law and Regulations and State Statutes (Insofar as it applies to individuals other than UST owners and operators.)

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(B) *Oklahoma Annotated Code, Chapter 25: Underground Storage Tanks*

(1) *Subchapter 1: General Provisions*

Part 9: Notification and Reporting Requirements (Insofar as 165:25–1–45 requires owners of exempt USTs to notify the Commission of the existence of such systems.)

(2) *Subchapter 3: Release Prevention, Detection, and Correction*

Part 9: Installation of Underground Storage Tank Systems (Insofar as 165:25–3–48 applies to individuals other than UST owners and operators.)

Part 19: Certification for UST Consultants (Insofar as it applies to individuals other than UST owners and operators.)

(2) *Statement of legal authority.* (i) “Attorney General’s Statement for Final Approval”, signed by the Attorney General of Oklahoma on June 21, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Oklahoma to EPA, June 21, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the original application on June 25, 1989, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application on June 25, 1989, though not incorporated by reference, are referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 6 and the Oklahoma Corporation Commission, signed by the EPA Regional Administrator on April 8, 1992, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[61 FR 1221, Jan. 18, 1996]

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APPENDIX A TO PART 282—STATE REQUIREMENTS INCORPORATED BY REFERENCE IN PART 282 OF THE CODE OF FEDERAL REGULATIONS

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Oklahoma

(a) The statutory provisions include

1. Oklahoma Statutes, Chapter 14: Oklahoma Underground Storage Tank Regulation Act

Section 301 Short Title

Section 303 Definitions

Section 304 Exemptions

Section 305 Corporation Commission Designated as State Agency to Administer Certain Federal Programs

Section 307 Corporation Commission—Promulgation of Rules Governing Underground Storage Tank Systems

Section 308 Permits—Necessity—Application—Issuance—Fees—Denial, Refusal to Issue, Suspension or Revocation—Financial Responsibility Coverage (Except (B), which applies to individuals other than UST owners and operators.)

Section 308.1 Underground Storage Tank Systems for Petroleum Products—Permit Fee—Penalty—Suspension or Nonrenewal of Permit

Section 309 Release from Underground Storage Tank System—Reports—Corrective Action—Powers, Duties and Procedures of Corporation Commission

Section 313 Records, Reports and Informations—Public Inspection—Confidentiality—Disclosure to Federal or State Representatives

Section 315 Corporation Commission Underground Storage Tank Regulation Revolving Fund

Section 316 Ordinance or Regulations in Conflict with Act Prohibited

Section 340 Storage Tank Advisory Council—Members—Quorum—Authority—Rules—Expenses

2. Oklahoma Statutes, Chapter 15: Oklahoma Petroleum Storage Tank Release Indemnity Program

Section 350 Short Title—Maintenance, Operation and Administration

Section 352 Definitions

Section 353 Petroleum Storage Tank Release Environmental Cleanup Indemnity Fund

Section 354 Assessments on Motor Fuels, Diesel Fuel and Blending Materials—Exemptions—Deposits in Funds

Section 356 Collection, Remittance and Reporting of Assessments

Section 356.1 Confidentiality of Records, Reports or Information—Schedule of Reimbursable Fees

Section 357 Payment of Claim Subject to Indemnity Fund Acquiring Subrogation Rights—Administrator to Protect Indemnity Fund in Judicial and Administrative Proceedings—Notice of Lawsuit—Enforcement of Third Party Claim

Section 358 Annual Reports

Section 359 Audit Relating to Petroleum Storage Tank Release Environmental Cleanup Indemnity Fund

- Section 360 Limitation on Expenditures for Administrative Costs—Reports
- Section 361 Appointment of Administrator—Hiring of Employees—Temporary Workers and Contract Labor
- Section 365 Oklahoma Leaking Underground Storage Tank Trust Fund—Oklahoma Leaking Underground Storage Tank Revolving Fund—Appropriation, Budgeting and Expenditure of Monies—Payments from Funds—Costs of Actions—Emergencies—Reimbursement of Funds—Administrative Penalties
- (b) The regulatory provisions include
 - 1. Oklahoma Annotated Code, Chapter 25: Underground Storage Tanks
 - a. Subchapter 1: General Provisions
 - Part 1: Purpose and Statutory Authority
 - Part 3: Definitions
 - Part 5: Scope of Rules
 - Part 7: National Industry Codes
 - Part 9: Notification and Reporting Requirements (Except 165:25–1–45, insofar as it requires owners of exempt USTs to notify the Commission of the existence of such systems.)
 - b. Subchapter 3: Release Prevention, Detection, and Correction
 - Part 1: Release Prohibition, Reporting and Investigation
 - Part 3: Recordkeeping
 - Part 5: Spill and Overfill Prevention Requirements
 - Part 7: Compatibility
 - Part 9: Installation of Underground Storage Tank Systems (Except 165:25–3–48, which applies to individuals other than UST owners and operators.)
 - Part 11: Repairs to Underground Storage Tank Systems
 - Part 13: Removal and Closure of Underground Storage Tank Systems
 - Part 15: Corrective Action Requirements
 - Part 17: Requirements for Corrosion Protection Systems
 - c. Subchapter 5: Requirements for Existing Underground Storage Tank Systems
 - d. Subchapter 7: Requirements for New Underground Storage Tank Systems
 - Part 1: Design, Construction, and Installation Requirements
 - Part 3: General Release Detection Methods and Service
 - Part 5: Release Detection Methods and Devices for Petroleum Underground Storage Tank Systems
 - e. Subchapter 9: Inspections, Testing, and Monitoring
 - Part 3: Fees
 - f. Subchapter 11: Administrative Provisions
 - g. Subchapter 13: Financial Responsibility Requirements
 - Part 1: Applicability
 - Part 3: Definitions
 - Part 5: Amount and Scope of Coverage
 - Part 7: Financial Assurance
 - Part 9: Financial Test of Self-Insurance
 - Part 11: Guarantee
 - Part 13: Insurance and Risk Retention Group Coverage
 - Part 15: Surety Bond
 - Part 17: Letter of Credit
 - Part 19: State Fund or Other State Assurance
 - Part 21: Trust Fund
 - Part 23: Standby Trust Fund
 - Part 25: Substitution of Financial Assurance Mechanisms
 - Part 27: Cancellation or Nonrenewal
 - Part 29: Reporting
 - Part 31: Recordkeeping
 - Part 33: Drawing on Financial Assurance Mechanisms
 - Part 35: Release from Subchapter 11 Requirements
 - Part 37: Bankruptcy or Other Incapacity of Owner/Operator or Provider of Financial Assurance
 - Part 39: Replenishment of Guarantees, Letters of Credit, or Surety Bonds
 - h. Subchapter 15: Circle K Settlement Fund
 - Part 1: General Provisions
 - Part 3: Definitions
 - Part 5: Eligibility Requirements
 - Part 7: Reimbursement
 - i. Appendices
 - Appendix A: Letter From Chief Financial Officer
 - Appendix B: Guarantee
 - Appendix C: Endorsement
 - Appendix D: Certificate of Insurance
 - Appendix E: Performance Bond
 - Appendix F: Irrevocable Standby Letter of Credit
 - Appendix G: Trust Agreement
 - Appendix H: Certification of Financial Responsibility
 - Appendix I: Certification of Valid Claim
 - Appendix J: Soil and Groundwater Remediation Index
 - Appendix K: Soil Cleanup Levels
 - Appendix L: Mean Annual Precipitation
 - Appendix M: Hydrologically Sensitive Area
 - Appendix N: Field Citation Fines
 - 2. Oklahoma Annotated Code, Chapter 27: Indemnity Fund
 - a. Subchapter 1: General Provisions
 - Section 165:27–1–1 Purpose
 - Section 165:27–1–2 Definitions
 - Section 165:27–1–3 Scope
 - Section 165:27–1–4 Authority
 - Section 165:27–1–5 Citation of Rules
 - Section 165:27–1–6 Prescribed Forms
 - b. Subchapter 3: Eligibility Requirements
 - Section 165:27–3–1 General Requirements
 - Section 165:27–3–2 Eligible Person
 - Section 165:27–3–3 Eligible Release
 - c. Subchapter 5: Qualifications for Reimbursement
 - Section 165:27–5–1 Qualifications for Reimbursement
 - Section 165:27–5–2 Application for Reimbursement
 - Section 165:27–5–3 Application for Supplemental Reimbursement
 - d. Subchapter 7: Reimbursement
 - Section 165:27–7–1 Reimbursable Expenses
 - Section 165:27–7–2 Total Reimbursement
 - Section 165:27–7–5 Methods for Reimbursement
 - Section 165:27–7–6 Conditions for Reimbursement
 - Section 165:27–7–7 Exclusions from Reimbursement
 - Section 165:27–7–8 Withholding Reimbursement

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